IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

OP.No. 18241 of 1998(V)

PETITIONER:

NEW INDIA ASSURANCE COMPANY,
KANDOMKULATHY TOWERS, M.G.ROAD,
ERNAKULAM , COCHIN 682 011.

BY ADV. SRI.SUNIL JOSE

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REP.BY ITS SECRETARY,
   VIDYUTHI BHAVAN, TRIVANDRUM.

2. **THE ASST. EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION COLLEGE,
   CLUB ROAD, ERNAKULAM.

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, ALONG WITH OP.18242/1998 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.32216/1998 IN OP. NO.18241/1998

DISMISSED

03.08.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SANCTION ORDER NO.TI-4176/94/EIE DT. 18.10.94, ISSUED BY THE DY.CHIEF ELECTRICAL INSPECTOR, ERNAKULAM.

EXT.P2:- COPY OF THE APPLICATION DT. 24.10.97 AND CHALAN DT. 27.10.97.

EXT.P2(a):- COPY OF THE APPLICATION DT. 24.10.97 AND CHALAN DT. 27.10.97.

EXT.P2(b):- COPY OF THE APPLICATIO9N DT. 24.10.97 AND CHALAN DT. 27.10.97.

EXT.P3(a):- COPY OF THE NOTICE NO DB/APTS/95/479 DT. 2.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10041.

EXT.P3(b):- COPY OF THE NOTICE NO DB/APTS/95/479, DT.2.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10015.

EXT.P4(a):- COPY OF THE DEMAND NOTICE DT. 4.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10041.

EXT.4(b):- COPY OF THE DEMAND NOTICE DT. 4.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10015.

EXT.P5:- COPY OF THE REPRESENTATION DT. 12.3.98 FILED BEFORE THE 2ND RESPONDENT BY THE PETITIONER.

EXT.P6:- COPY OF THE JUDGMENT DT. 23.3.98 IN OP. NO.5440/98 BY PETITIONER.

EXT.P7:- COPY OF THE ORDER NO.DB/OP. 5440/98/498 DT. 7.9.98, ISSUED BY THE 2ND RESPONDENT

/TRUE COPY/

P.S. TO JUDGE

T.R. Ramachandran Nair, J.

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O.P.NO.18241 of 1998-V

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Dated this the 3rd day of August, 2007

JUDGMENT

The petitioner is the New India Assurance Company which is a tenant in the building in question. The premises have two connections, viz. Consumer Nos.10041 and 10015. It is the case of the petitioner that the petitioner had been occupying the second and third floors of the building for its regional office. The sanctioned connected load of 5.16 K.W. was maintained in the second floor with Consumer No.10041 and 9.64 K.W. on the third floor with Consumer No.10015. For the use of the petitioner, they had installed some computers, air conditioners and other electrical appliances and as requested for by the petitioner, the landlords approached the Deputy Chief Inspector, Ernakulam for appropriate sanction. The same was approved by him as per Ext.P1. Thereafter, applications were filed before the Asst. Executive Engineer for the purpose of sanction of additional load. It is the case of the petitioner that the work was undertaken later and a completion report was submitted before the second respondent on 4.11.1997. They were awaiting the grant of additional load. But on 11.2.1998 Anti Power Theft Squad inspected the premises and they have

issued Exts.P3(a) and P3(b) notices. The allegations mainly relate to misuse of power. Consequent demand notices were issued demanding a sum of Rs.1,08,521/- for Consumer No.10041 and Rs.1,33,176/- for Consumer No.10015 (Exts.P4(a) and P4(b). This was objected to by the petitioner by submitting Ext.P5. Thereafter, the petitioner approached this court by filing O.P. No.5440/1998 and this court had directed the second respondent to dispose of the objection. Ext.P7 is the final order passed by the second respondent.

2. Heard learned counsel for the petitioner and learned Standing Counsel for the Kerala State Electricity Board. Learned counsel for the petitioner points out that the order now communicated does not reflect consideration of any of the aspects pointed out by the petitioner. It is submitted that the allegation of misuse of energy is not correct as all the formalities have been complied with. Learned Standing Counsel points out that the demand is not illegal.

3. Ext.P7 is a communication dated 7.9.1998. Now after the 2003 Act was brought into force, new regulations have come into effect. As empowered by Section 42 of the Act, now the Consumer Disputes Redressal Forums have come into existence and the disputes relating to the subject matter of the issue can also be gone into by them. Therefore, the

issue regarding the validity of Ext.P7 and the demands raised against the petitioner is hereby directed to be placed before the above Forum for appropriate decision on the merits of the matter. Pending finalisation of the same, the interim order passed by this court on 23.9.1998 will remain in force.

The original petition is disposed of in the above terms. No costs.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P. No.18241 of 1998-V

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JUDGMENT

3rd August, 2007.